

# NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

## NOTICE OF RULEMAKING DOCKET OPENING ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION

*Editor's Note: The following two Notices of Rulemaking Docket Opening were reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 1003.) The Governor's Office authorized the notices to proceed through the rulemaking process on April 2, 2013.*

[R13-61]

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 22, Arizona Health Care Cost Containment System - Administration  
**Article and its heading:** 7, Standards For Payments  
13, Children's Rehabilitative Services (CRS)  
**Section numbers:** R9-22-711, Article 13, R9-22-1301 through R9-22-1306. (As part of this rulemaking, the Administration may add, delete, or modify Sections as necessary.)

- 2. The subject matter of the proposed rule:**  
The CRS program was administered by the Arizona Department of Health Services (ADHS) until SB1619 AZ Laws 2011 regular session was enacted directing the Administration to administer the CRS program.

SB1619 specified that the existing CRS program rules adopted by ADHS were left in effect "until superceded by rules adopted by [AHCCCS]." The Legislature enacted this change as part of a larger initiative by ADHS and AHCCCS to better integrate conditions provided to medically eligible with CRS related conditions while at the same time streamlining the administration of the program. Therefore, AHCCCS finalized rules to transition the ADHS requirements under AHCCCS as published in the *Arizona Administrative Register* August 24, 2012, and Arizona Laws 2011, Regular Session, Ch. 31, § 34, exempted AHCCCS from the requirements of A.R.S. Title 41, Ch.6., these rules were promulgated under exemption repealed, then repromulgated.

SB1528 Laws 2012, Ch. 299, § 7 repealed the rulemaking exemption authority and § 8 stipulated that rules adopted through the previous year's authority would expire December 31, 2013, absent specific statutory authority for those rules.

Under this rulemaking AHCCCS is repromulgating and making a few minor revisions including "club foot" as a medical condition that was always a qualifying condition through DHS policy but not stipulated in rule. In addition, rule has been updated to note that an American Indian or CMDP member is not required to be enrolled with the CRS contractor.

- 3. A citation to all published notices relating to the proceeding:**  
Notice of Proposed Exempt Rulemaking: 18 A.A.R. 1712, July 20, 2012  
Notice of Exempt Rulemaking: 18 A.A.R. 2074, August 24, 2012

- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Mariaelena Ugarte  
Address: AHCCCS  
Office of Administrative Legal Services  
701 E. Jefferson, Mail Drop 6200  
Phoenix, AZ 85034  
Telephone: (602) 417-4693  
Fax: (602) 253-9115  
E-mail: [AHCCCSrules@azahcccs.gov](mailto:AHCCCSrules@azahcccs.gov)

- 5. The time which the agency will accept written comments and the time and place where oral comments may be made:**

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The Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

**6. A timetable for agency decisions or other action on the proceeding, if known:**

See the Notice of Proposed Rulemaking in this issue on page 972.

**NOTICE OF RULEMAKING DOCKET OPENING**

**ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)**

**ARIZONA LONG-TERM CARE SYSTEM**

[R13-63]

**1. Title and its heading:**

9, Health Services

**Chapter and its heading:**

28, Arizona Health Care Cost Containment System - Arizona  
Long-term Care System

**Article and its heading:**

2, Covered Services

**Section numbers:**

R9-28-203 (As part of this rulemaking, the Administration may add, delete, or modify Sections as necessary.)

**2. The subject matter of the proposed rule:**

The CRS program was administered by the Arizona Department of Health Services (ADHS) until SB1619 AZ Laws 2011 regular session was enacted directing the Administration to administer the CRS program.

SB1619 specified that the existing CRS program rules adopted by ADHS were left in effect “until superceded by rules adopted by [AHCCCS].” The Legislature enacted this change as part of a larger initiative by ADHS and AHCCCS to better integrate conditions provided to medically eligible with CRS related conditions while at the same time streamlining the administration of the program. Therefore, AHCCCS finalized rules to transition the ADHS requirements under AHCCCS as published in the *Arizona Administrative Register* August 24, 2012, and Arizona Laws 2011, Regular Session, Ch. 31, § 34, exempted AHCCCS from the requirements of A.R.S. Title 41, Ch.6., these rules were promulgated under exemption repealed, then repromulgated.

SB1528 Laws 2012, Ch. 299, § 7 repealed the rulemaking exemption authority and § 8 stipulated that rules adopted through the previous year’s authority would expire December 31, 2013, absent specific statutory authority for those rules.

**3. A citation to all published notices relating to the proceeding:**

Notice of Proposed Exempt Rulemaking: 18 A.A.R. 1712, July 20, 2012

Notice of Exempt Rulemaking: 18 A.A.R. 2074, August 24, 2012

**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

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**6. A timetable for agency decisions or other action on the proceeding, if known:**

See the Notice of Proposed Rulemaking in this issue on page 980.

**NOTICE OF RULEMAKING DOCKET OPENING**

**ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)**

**ARIZONA LONG-TERM CARE SYSTEM**

*Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 1003.) The Governor's Office authorized the notice to proceed through the rulemaking process on August 16, 2012.*

[R13-69]

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 28, Arizona Health Care Cost Containment System - Arizona Long-term Care System  
**Article and its heading:** 7, Standards For Payments  
**Section numbers:** R9-28-702, R9-28-703 (As part of this rulemaking, the Administration may add, delete, or modify Sections as necessary.)
- 2. The subject matter of the proposed rule:**  
A.R.S. § 36-2999.52 authorizes the Administration to administer a provider assessment on health care items and services provided by nursing facilities and to make supplemental payments to nursing facilities for covered Medicaid expenditures. The Administration is proposing an amendment to rule to describe the process for estimating and distributing supplemental payments to contractors for enhanced payments to eligible nursing facilities based on bed days paid for through managed care. The rule amendments also describe the process for calculating and distributing the enhanced payments to eligible nursing facilities by the Administration for bed days paid by the Administration. In addition, the rules clarify general requirements applicable to nursing facilities in order for them to qualify for the supplemental payments.
- 3. A citation to all published notices relating to the proceeding:**  
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
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- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
See the Notice of Proposed rulemaking in this issue on page 983

**NOTICE OF RULEMAKING DOCKET OPENING**

**ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)**

**CHILDREN'S HEALTH INSURANCE PROGRAM**

*Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 1003.) The Governor's Office authorized the notice to proceed through the rulemaking process on April 2, 2013.*

[R13-65]

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 31, Arizona Health Care Cost Containment System - Children's Health Insurance Program  
**Article and its heading:** 3, Eligibility And Enrollment  
**Section numbers:** R9-31-311 (As part of this rulemaking, the Administration may add, delete, or modify Sections as necessary.)
- 2. The subject matter of the proposed rule:**  
The CRS program was administered by the Arizona Department of Health Services (ADHS) until SB1619 AZ Laws 2011 regular session was enacted directing the Administration to administer the CRS program.

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SB1619 specified that the existing CRS program rules adopted by ADHS were left in effect “until superceded by rules adopted by [AHCCCS].” The Legislature enacted this change as part of a larger initiative by ADHS and AHCCCS to better integrate conditions provided to medically eligible with CRS related conditions while at the same time streamlining the administration of the program. Therefore, AHCCCS finalized rules to transition the ADHS requirements under AHCCCS as published in the *Arizona Administrative Register* August 24, 2012, and Arizona Laws 2011, Regular Session, Ch. 31, § 34, exempted AHCCCS from the requirements of A.R.S. Title 41, Ch.6., these rules were promulgated under exemption repealed, then repromulgated.

SB1528 Laws 2012, Ch. 299, § 7 repealed the rulemaking exemption authority and § 8 stipulated that rules adopted through the previous year’s authority would expire December 31, 2013, absent specific statutory authority for those rules.

**3. A citation to all published notices relating to the proceeding:**

Notice of Proposed Exempt Rulemaking: 18 A.A.R. 1712, July 20, 2012

Notice of Exempt Rulemaking: 18 A.A.R. 2074, August 24, 2012

**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

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**6. A timetable for agency decisions or other action on the proceeding, if known:**

See the Notice of Proposed Rulemaking in this issue on page 987.